

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ERIC M. ROBINSON,

Plaintiff,

vs.

MARK WEBER, Counsel for Discipline,
Official capacity; and JOHN STEELE,
Asst. Counsel For Discipline, Official
capacity;

Defendants.

8:19CV538

MEMORANDUM AND ORDER

This matter is before the court on Plaintiff Eric M. Robinson's response ([filing 20](#)) to the court's June 18, 2020 Memorandum and Order ([filing 17](#)) directing Robinson to update his address with the court. Robinson represents that his address has not changed since he last provided his contact information to the court in Case No. 8:19CV43 and it is unclear why mail addressed to his current address is being returned as undeliverable. Robinson also notes that he has not "seen [any] of the orders sent to my 'pauls pauls40@gmail.com' as [he] requested."¹ ([Filing 20.](#))

¹ Robinson did not submit a request for e-filing rights which would allow him to receive electronic notice of filings in his case. To obtain electronic filing access, Robinson should follow the instructions in NEGenR [1.3](#)(b) which provides:

(b) Registration for CM/ECF.

- (1) **District Court Registration Form.** Before electronically filing a document with the court, an attorney must register with PACER at the following web address: www.pacer.gov. A pro se party, i.e., one not represented by an attorney, to a pending civil case may register with PACER at the following web address: www.pacer.gov. Registration constitutes a party's consent to electronic service and waiver of the right to

The court dismissed this matter without prejudice on June 30, 2020, because Robinson had not updated his address by the June 29, 2020 deadline. (Filings [18](#) & [19](#).) Robinson's response regarding his unchanged address is postmarked June 29, 2020 and was received on July 1, 2020. ([Filing 20](#).) Out of an abundance of caution, the court will liberally construe Robinson's response as a motion for relief from judgment pursuant to Rule 60(b)(1) and will vacate its June 30, 2020 Memorandum and Order and Judgment. *See* Fed.R.Civ.P. 60(b)(1) (court may grant a party relief from a judgment for "(1) mistake, inadvertence, surprise, or excusable neglect").

Now that Robinson has notified the court of his address in this case and clearly indicated he is no longer incarcerated, he must file a new application for leave to proceed in forma pauperis if he wishes to continue pursuing this case in forma pauperis. Robinson may, in the alternative, pay the court's \$400.00 filing and administrative fees. Failure to do so will result in the court dismissing this matter without further notice. As Robinson is aware of the potential problems with receiving his mail, it is incumbent upon him to take any reasonable steps to monitor the status of his case and comply with the court's order. The court is aware that Robinson is capable of checking the status of his cases via alternate means, and he will be expected to do so if problems persist with delivery of his mail. (*See* [Filing 27 at CM/ECF p. 87](#), Case No. 8:19CV43 (indicating Robinson "was unable to recieve [sic] the April 14 2020 order at the jail, but found it online").)

service by personal service or first class mail. Once registration is complete, a login and password are issued by PACER and serve as part of the user's electronic signature on documents filed on the System. *See* NECivR [11.1](#); NECrimR [49.2](#).

IT IS THEREFORE ORDERED that:

1. Robinson's response ([filing 20](#)) to the court's June 18, 2020 Memorandum and Order, liberally construed as a motion for relief from judgment, is granted.
2. The court's Memorandum and Order ([filing 18](#)) and Judgment ([filing 19](#)) dated June 30, 2020, are vacated.
3. The clerk of the court is directed to reinstate this case on the court's pro se docket.
4. Robinson must either file a new request for leave to proceed in forma pauperis or pay the court's \$400.00 filing and administrative fees within 30 days. Failure to take either action will result in dismissal of this matter without further notice to Robinson.
5. The clerk of the court is directed to send to Robinson the Form AO 240, "Application to Proceed Without Prepayment of Fees and Affidavit."
6. The clerk of the court is directed to set a pro se case management deadline with the following text: **August 10, 2020**: deadline for Plaintiff to file new IFP application or pay filing fee.

Dated this 9th day of July, 2020.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge